

DEC 21 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

CR- 04-00036-003

December 21, 2005
9:30 a.m.

UNITED STATES OF AMERICA -v- YOUNG JU KWON

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
TIM MORAN, Assistant U. S. Attorney
DANILO AGUILAR, Counsel for Defendant
YOUNG, JU KWON, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Danilo Aguilar. Government by Tim Moran AUSA. Also present was U.S. Probation Officer, Melinda Brunson.

Jin Cho was sworn as interpreter/translator of the Korean language.

Court adopted the presentence investigation report and instructed the Clerk to file the amended report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Defendant requested to delay sentencing so that he could give further assistance to the Government and possibly reduce his term of imprisonment. After some discussion, Court denied the request.

Government moved for a 5K1.1 downward departure of the sentencing guidelines and recommended a term of 63 months imprisonment. Defense recommended sentencing below the guidelines and suggested a term of 24 months incarceration.

Defendant made his allocution to the Court.

Court granted the Government's 5K1.1. motion for a downward departure to a level of **26**.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **YOUNG JU KWON** is hereby sentenced to the custody of the Bureau of Prisons to be imprisoned for a period of **63 months**.

Upon release from imprisonment, the defendant shall be placed on supervised release for four years with the following conditions:

1. The defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. §3583(d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. §1101. As a further condition of supervised release, if ordered deported, he shall remain outside the United States and shall not re-enter without the permission of the U.S. Attorney General. If deportation fails to occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release;
2. The defendant shall not commit another federal, state, or local offense;
3. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter for use of a controlled substance; not to exceed eight times in one month;
4. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;
5. The defendant shall comply with the standard conditions of supervised release as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. §3583;
6. The defendant shall be prohibited from possessing a firearm or other dangerous weapon; nor shall he have such weapon at his place of residence;
7. The defendant shall refrain from the use of all alcoholic beverages;
8. The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office; and
9. The defendant shall perform 200 hours of community service under the direction of the U.S. Probation Office.

Pursuant to §5E1.2(f) of the guidelines, all fines were waived as it was determined that the defendant does not have the ability to pay.

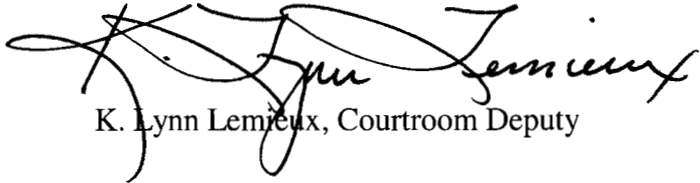
It was further ordered that the defendant pay to the United States a special assessment fee of \$100.

No objection to the sentence by the attorneys. Defendant was advised that he had ten days in which to appeal his sentence. Further, the defendant was advised of his right to an attorney for appeal.

Defense requested that the \$1,100 dollars confiscated from this defendant could be returned so that he may make his assessment fee. Court stated that inquiries could be made to the DEA office to determine the availability of the money.

Defendant was remanded into the custody of the U.S. Marshal.

Adj 10:00 a.m.



K. Lynn Lemieux, Courtroom Deputy